

~~CONFIDENTIAL~~ INTERNAL USE ONLY

6 August 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Telecommunications with Office of Logistics, General Counsel Regarding OSI Publication and IBM Anti-Trust Case

STATINTL

1. On the morning, 6 August 1974, via telephone conversation with OL's General Counsel [redacted] (x2565), it was learned that four Agency documents (one from OSI and three from OER) along with 10-15 other intelligence community publications (primarily related to export control issues) had been called for in a general information request by the New York Federal Judge hearing the Government's IBM anti-trust case. The documents were on file along with other Government information and private company data at NBS; the NBS General Counsel had legal custody. [redacted] stated that the Agency had not given permission for the documents' release but that the court order requesting all information this morning in New York had come late yesterday and there was no time to do other than comply.

STATINTL

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2. [redacted] stated in his estimation the Agency and community publications did not figure in the substantive issues of the case but were caught up in the Judge's "broom." He further opined the request for all Government-held data including National Security information had been an IBM ploy to get the case thrown out of court, i.e., IBM could not defend itself if the Government did not provide the information it needed for its case. [redacted] surmised that IBM had intended to use the Government's sensitivity to National Security data but that the New York Judge had not gone along and now all computer related data--sensitive or not--would have to be reviewed by the Judge regarding its relevance to IBM's case.

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Approved For Release 2002/08/06 : CIA-RDP78-01092A000100060025-7

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3. [ ] stated, upon questioning, that no one in the DDS&T management nor the IG Staff was presently aware of the events of yesterday. He further stated he had about four years experience on the case and noted that several years ago other Agency documents (in the Ames Building) had been shown to Government lawyers on the case. He presently sees no substantive involvement of Agency information regarding the IBM case but will inform us if there is a turn of events.

STATINTL

[ ]  
C/CTAC  
Physical Sciences and  
Technology Division/SI

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6 August 1974

MEMORANDUM FOR THE RECORD

STATINTL

SUBJECT: Telecommunications with [REDACTED]  
Regarding Release of OSI-RP/73-5 to the Justice  
Department for Review by IBM Corporation

STATINTL

1. On 5 August 1974, I spoke with [REDACTED] of the Office of Logistics Security Staff. He inquired about possible declassification of OSI-RP/73-5 -- Soviet Computer Software -- of which I had been the project officer. This document, along with three other Agency documents, had been requested for release to the Department of Justice for its review in relation to an ongoing US Government versus IBM Corporation anti-trust suit. I told [REDACTED] that the document, which is classified Secret/NFD, could not at this time be downgraded or declassified. STATINTL STATINTL

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2. On 6 August 1974, I again spoke with [REDACTED] regarding release of the document and reviewed the background information concerning the case with him. I then spoke with [REDACTED] of OSI/IPS and determined that Commerce Department was not on the distribution list for this document and had therefore received a copy through other channels.

3. The OSI document, OSI-RP/73-5, resulted from a contract report dated November 1971. The report, entitled "Computer Software in the Soviet Union", was the end product received from a study based on open literature about Soviet computer languages. The study was performed by IBM Corporation, Federal Systems Division, during FY 71 and FY 72. A copy of both the IBM final report and OSI-RP/73-5 are attached. STATINTL

[REDACTED]  
OSI/PSTD/CTAC

Attachments: a/s

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